

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROY B. JACKSON,

Petitioner,

v.

CASE NO. 05-CV-60131  
HONORABLE JOHN CORBETT O'MEARA

KENNETH T. MCKEE,

Respondent.

**ORDER GRANTING PETITIONER'S APPLICATION  
TO PROCEED ON APPEAL IN FORMA PAUPERIS**

This matter is before the Court on Petitioner's application to proceed on appeal without prepayment of fees and costs with regard to the Court's denial of his habeas corpus petition. A court may grant leave to proceed *in forma pauperis* if it finds that an appeal is being taken in good faith. *Id.* at 764-65; 28 U.S.C. § 1915(a)(3); Fed. R. App. 24(a). "Good faith" requires a showing that the issues raised are not frivolous; it does not require a showing of probable success on the merits. *Foster*, 208 F. Supp. 2d at 765. The Court has already issued a certificate of appealability as to Petitioner's habeas claims. Consequently, the Court finds that those claims are not frivolous and an appeal may be taken in good faith. The financial data submitted by Petitioner also demonstrates his inability to pay the appellate filing fee. Accordingly, the Court **GRANTS** Petitioner's application to proceed on appeal *in forma pauperis*.

**IT IS SO ORDERED.**

s/John Corbett O'Meara  
United States District Judge

Dated: February 28, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 28, 2007, by electronic or ordinary mail.

s/William Barkholz  
Case Manager